

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DERRICK LEE SMITH,

Petitioner,

Case No. 10-11052

v.

Hon. John Corbett O'Meara

BONITA HOFFNER,

Hon. Paul J. Komives

Respondent.

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**ORDER ADOPTING REPORT
AND RECOMMENDATION AND REOPENING CASE**

Before the court is Magistrate Judge Paul J. Komives's report and recommendation dated June 30, 2014. No objections have been filed.

IT IS HEREBY ORDERED that Magistrate Judge Komives's June 30, 2014 report and recommendation is ADOPTED.

IT IS FURTHER ORDERED that Petitioner's motion to lift stay and reopen the case is GRANTED.

IT IS FURTHER ORDERED that Petitioner shall file an amended petition (or indicate his intent to rely on the amended petition previously filed) within thirty (30) days of the date of this order. Respondent shall file an amended answer and

any additional Rule 5 materials within sixty (60) days of the date of this order.

s/John Corbett O'Meara
United States District Judge

Date: September 5, 2014

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, September 5, 2014, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager